

REMARKS

The Official Action mailed April 1, 2003 has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time.

Applicant notes with appreciation the consideration of the Information Disclosure Statement filed on November 13, 2001 and the correction filed March 7, 2002.

Claims 1-68 were pending in the subject application. Claims 1, 2, 12, 13, 23, 26, 36, 39, 49 and 59 have been amended and new claims 69-74 have been added to recite additional protection to which Applicant's are entitled. Claims 1-74 are now pending in the present application, of which claims 1, 12, 23, 36, 49, and 59 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance.

Paragraph 1 of the Official Action objects to the title of the invention as not being descriptive and suggest the title be changed to read "Electroluminescent Device having Drying Agent." In response, the title has been amended as suggested by the Examiner and reconsideration is requested in view thereof.

Paragraph 2 of the Official Action next objects to the Abstract of the disclosure. In response, the Abstract has been revised and a new Abstract is submitted herewith. Reconsideration in view thereof is requested.

Paragraph 3 of the Official Action rejects claims 1-4, 12-15, 23-28, 36-41, 49-51, and 59-61 as obvious based on the combination of U.S. Patent 5,882,761 to Kawami and U.S. Patent 2,578,324 to Southwick. Paragraph 4 of the Official Action further rejects claims 5-11, 16-22, 29-35, 42-48, 52-58 and 62-68 as obvious based on the combination of Kawami and Southwick. It is respectfully submitted that a *prima facie* case of obviousness cannot be maintained against the pending claims, as amended, for the reasons set forth below.

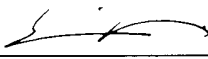
As stated in MPEP § 2143-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the

prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

All independent claims have been amended herewith to recite that the drying agent is separated from the electroluminescence element via a permeable seal. This feature is supported by at least reference numeral 106a in Figure 1A. It is respectfully submitted that the prior art of record, whether taken alone or in combination, fails to disclose or suggest this feature of the present invention. Since the prior art fails to teach or suggest every feature recited in the claims, a *prima facie* case of obviousness cannot be maintained and favorable reconsideration is requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,


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